

REMARKS

Initially, Applicants would like to express appreciation to the Examiner for the detailed Official Action provided, and for the indication of the allowability of claims 1-3. Upon entry of the present amendment, the title and claims 1-3 will have been amended, and claims 7-9 will have been added. Claims 1-3 and 7-9 are pending in the present application. Applicants note that the title has been changed to reflect the amendments to the claims, discussed hereinbelow, and that newly-added claims 7-9 generally correspond to amended method claims 1-3, but recite apparatus claims.

The Examiner has rejected claims 1-3 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of parent patent (*i.e.*, U.S. Patent No. 6,748,023) in view of claim 5 of U.S. Patent No. 6,738,430.¹ In this regard, solely in order to advance the prosecution of the present application and without agreeing to the propriety of the Examiner's rejection, Applicant has amended independent claim 1 (and has provided newly-added independent claim 7) to recite that the signal point of the pilot symbol is allocated an in-phase axis or a quadrature axis, a claim limitation not present in U.S. Patent Nos. 6,748,023 and/or 6,738,430. Applicants further note that in amended claim 1 (and in newly-added independent claim 7), timing controlling has been replaced with order controlling, and that claims 1-3 have been amended to recite a method rather than an apparatus (claims 7-9 now recite the claimed apparatus).

Thus, Applicants respectfully submit that each and every pending claim of the present application meets all requirements for patentability, and respectfully requests the

¹ Applicants note that page 2, line 1 of item 2 of the Official Action indicates that only claims 2-3 have been rejected; however, Applicants note that the PTOL-326 form, as well as page 3 of the Official Action appears to indicate that all pending claims (*i.e.*, claims 1-3) have been rejected. Applicants respectfully request clarification in this regard.

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Examiner to indicate the allowance of each and every pending claim in the present application.

CONCLUSION

In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, renders unpatentable the present claimed invention, and in further view of the above remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability (*e.g.*, for grammatical purposes), and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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Respectfully Submitted,
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